

I. COMPLIANCE ORDER

The Growth Management Act, RCW 36.70A (“GMA”), as interpreted by the Growth Board, requires Lewis County to comply with the Growth Board’s FDO and Order on Motions for Reconsideration, notwithstanding the pending appeal.

In the County’s Motion for Reconsideration, the County asked the Growth Board to clarify its ruling and articulate what types of actions the County should consider taking in compliance. The Growth Board’s Order on Motions for Reconsideration (“Order on Reconsideration”) specifies three possible options to resolve the inconsistencies resulting from the designation of the Forecastle property: (1) re-designation of similarly-situated properties, (2) amendment of LCC 17.30.430, enacted in 1996, to justify designation of the Forecastle property without creating resulting inconsistencies, or (3) rescission of the Forecastle re-zone. (Order on Reconsideration, Ex. H, at 9 of 10.)

1. In order to minimize inconsistencies and unnecessary amendments to the Comprehensive Plan, the County finds and concludes that the Land Use Map will illustrate Forest Resource Land (FRL) without distinguishing between FRLTCS and FRLLI. The County Zoning Map will distinguish between FRL classified as FRLTCS and FRLLI.

II. SUMMARY OF THE GROWTH BOARD DECISION AND PROPOSED COMPLIANCE

1. In its Final Decision and Order (“FDO”) in *Nilson, et.al. v Lewis County* (Case No. 11-2-0003)(copy attached as Exhibit G), the Washington Growth Management Hearings Board, Western Region (“Growth Board”), found that Lewis County’s interpretation of the “5,000 contiguous acres” clause in LCC 17.30.430(2) was consistent with and implemented the Comprehensive Plan (FDO, Ex. G, at 20 of 38.), but that the application of that interpretation to Forecastle’s “opt-in” request resulted in “mapping inconsistencies” in the Land Use and zoning map to the extent that the Forecastle property was designated Forest Resource Land of Local Importance (FRLLI) but “similarly-situated lands” retained their designation as Forest Resource Land of Long Term Commercial Significance (FRLTCS) under LCC 17.30.430. (*Id.*, see also FDO, Ex. G, at 7, 15 and 24 of 38.) The Growth Board ordered the County to resolve these inconsistencies.
2. In the compliance process, the County Staff has learned:
 - (1) That the 1996 ordinance creating the FRLTCS and FRLLI classifications permitted the County to classify and designate only FRLTCS, but permitted the County to designate land as FRLLI if the landowner affirmatively applied to “opt in” to the FRLLI classification and otherwise met the criteria; and

- (2) That the County received a number of applications in 1996 and 1997 to opt-in to FRLLI and some of those applications were granted, but the 2000 Land Use and Zoning Map failed to reflect those distinctions.
3. The Staff proposes (1) to correct the County Zoning Map and reflect the 1996-97 designations as FRLLI of parcels erroneously identified on the Zoning Map as FRLLTCS, and (2) to correct the Land Use map to reflect FRL without distinguishing between FRLLTCS and FRLLI.